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15 **UNITED STATES DISTRICT COURT**
16 **EASTERN DISTRICT OF CALIFORNIA**

17 IDALIA J. MORGUTIA-JOHNSON,
18 Plaintiff,

19 v.

20 CITY OF FRESNO, CHIEF JERRY
21 DYER, SERGEANT LARRY
22 HUSTEDDE, OFFICER JEFFREY
23 KAISER, and DOES 1 to 10,

24 Defendants.

25 Case No. 1:14-CV-00127 LJO-SKO
26 [Hon. Lawrence J. O'Neill, D. Judge;
27 Hon. Sheila K. Oberto, M. Judge]

28 **JOINT STIPULATION TO
EXTEND EXPERT DISCOVERY
CUT-OFF**

29 Complaint Filed: 01/28/2014
30 Trial Date: 06/09/2015

31 **TO THE HONORABLE COURT:**

32 By and through their counsel of record in this action, plaintiff IDALIA J.
33 MORGUTIA-JOHNSON and defendants SERGEANT LARRY HUSTEDDE AND
34 OFFICER JEFFREY KAISER ("defendants") – the parties – by and through their
35 respective attorneys of record, hereby stipulate for the purpose of jointly requesting that
36 the honorable Court enter an Order continuing, resetting, and modifying the pending
37 Expert Discovery Cutoff only, not changing the current trial date (and pursuant to Fender
38 Rules of Civil Procedure 16, 26, and 40, as well as, to the extent applicable, United States

1 District Court, Eastern District of California Local Rule 143, 144, 240, and 281-285) as
2 follows:

3 **GOOD CAUSE STATEMENT**

4 1. As a result of the incident-witness deposition delay of Tasha Cole, counsel
5 for all parties appeared before this Court on March 18, 2015, for an Order to Show Cause
6 of Tasha Cole in regards to her failing to appear for prior noticed depositions. At that
7 time, Tasha Cole appeared before this Court and agreed to have her deposition
8 examination proceed immediately after the hearing.

9 2. While present before the Court, all counsel represented to this Court that
10 they would be requesting a brief 30 day extension of the Expert Discovery Cutoff as a
11 result of the pending non-expert witness deposition of Tasha Cole going forward. The
12 Court acknowledged the request at that time.

13 3. Tasha Cole's deposition examination went forward on March 18, 2015.

14 4. The parties have met and conferred regarding the issue of the Expert
15 Discovery Cutoff being on or around the same date as the Court's Order to Show Cause
16 Hearing of Tasha Cole in which counsel for all parties were required to be present.

17 5. Further, due to scheduling issues between counsel and experts for the
18 depositions to be calendared prior to March 18, 2015, counsel in good faith have agreed to
19 provide multiple dates of availability within the next 30 to schedule the depositions.

20 6. In light of the above-mentioned issues, the parties hereby stipulate that there
21 is Good Cause here for, and in good faith jointly request that, the Court continue the
22 operative Expert Discovery Cutoff in this matter by 30 days in a manner comparable to
23 the specific request herein after.

24 **STIPULATION FOR CONTINUANCE & SCHEDULING MODIFICATION.**

25 6. Accordingly, in light of the foregoing Good Cause, the parties hereby
26 stipulate to and jointly request that the Court issue and Order modifying the operative
27 Scheduling Order in this case as to the Expert Discovery Cutoff Date along the lines
28 and/or in a manner comparable to the following proposed amended dates:

<u>1 Description</u>	<u>2 Current Date</u>	<u>3 Extended Date</u>
2 Expert Discovery Deadline	3 03/18/15	4 04/17/15

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7. Nothing in this Stipulation or any associated Order shall be construed as
vacating, rescinding, amending, or modifying (in whole or in part) the Court's operative
protective order re confidential documents [Dkt. Doc. 16].

8. This Stipulation may be signed in counterpart and a facsimile or electronic
signature shall be as valid as an original signature.

9 **IS IT SO STIPULATED:**

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11 DATED: March 20, 2015 **MANNING & KASS**
12 **ELLROD, RAMIREZ, TRESTER LLP**
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15 By: /s/ Courtney R. Arbucci
16 Mildred K. O'Linn, Esq.
17 Courtney R. Arbucci, Esq.
18 Attorneys for Defendants,
SERGEANT LARRY HUSTEDDE, and
OFFICER JEFFREY KAISER

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20 DATED: March 20, 2015 **LAW OFFICES OF VICKI SARMIENTO &**
LAW OFFICES OF JORGE GONZALEZ
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23 By: /s/ Vicki Sarmiento
24 Vicki Sarmiento, Esq.
25 Jorge Gonzalez, Esq.
26 Attorneys for Plaintiff,
IDALIA J. MORGUTIA-JOHNSON
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ORDER FOR MODIFICATION OF SCHEDULING ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES, after due consideration of all of the relevant pleadings, papers, and records in this action; and upon such other oral and documentary evidence or argument as was presented to the Court, pursuant to the Court's inherent and statutory powers, including not limited to the applicable provisions of the Federal Rules of Civil Procedure, and all applicable provisions of the Federal Rules of Civil Procedure, and all applicable federal laws and Local Rules or the U.S. District Court, Eastern District of California; Good Cause appearing therefor, and in furtherance of the interests of justice,

IT IS HEREBY ORDERED that:

10 1. The Court hereby orders that the Court's Scheduling Order Re Joint Stipulation to
11 Extend Expert Designation and Expert Discovery Cutoff of January 30, 2015 [Dkt. Doc. 24] and,
12 to the extent applicable, the Court's Standing Order [Dkt. Doc. 3-1] and/or all prior scheduling
13 orders issued in this action, are hereby **modified, continued, and reset** to the following:

	<u>Description</u>	<u>Current Date</u>	<u>Extended Date</u>
15	Expert Discovery Deadline	03/18/15	04/17/15

18 2. Nothing in this Order shall be construed as vacating, rescinding, amending, or
19 modifying (in whole or in part) the Court's operative protective order re confidential documents
20 [Dkt. Doc. 27]. All other dates shall remain unchanged.

22 IT IS SO ORDERED.

Dated: **March 23, 2015**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE